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Client No. 49515-001

November 5, 2019

Via ECF Only

Honorable John K. Sherwood, U.S.B.J.
Martin Luther King, Jr. Federal Building
50 Walnut Street
Newark, NJ 07102

**Re: Ki Hyung Kim and Hye Sook Ha
Chapter 11 Case No. 19-24863 (JKS)**

Limited Objection to Motion of Daimler Trust to Modify the Automatic Stay

Dear Judge Sherwood:

This firm is counsel to Ki Hyung Kim and Hye Sook Ha, chapter 11 debtors and debtors-in-possession (collectively, the “Debtors”) in connection with the above-referenced bankruptcy proceeding. Please accept this letter brief in lieu of a more formal memorandum of law as a limited objection to the *Motion of Daimler Trust to Modify the Automatic Stay* (the “Motion”) [ECF 75]. As set forth in the Motion, Mr. Kim leased a 2019 Mercedes-Benz S450 (VIN WDDUG6EB2KA427922) (the “Vehicle”) from Daimler Trust. The Motion, however, fails to disclose that the Vehicle was surrendered to Mercedes-Benz prepetition by Mr. Kim. Indeed, the Debtors’ petition reflects the fact that the vehicle was surrendered in July 2019. [ECF 1 at 158].

While the Debtors do not object to Daimler Trust receiving relief from the automatic stay in order for Daimler Trust to dispose of its collateral, the proposed form of Order must reflect that the Debtors surrendered the Vehicle to Daimler Trust and that Daimler Trust has possession of the vehicle.

Accordingly, the Debtors respectfully request that the Court modify the Order granting relief from the automatic stay to reflect that the Debtors surrendered the Vehicle prepetition. A proposed form of Order is filed simultaneously herewith.

Thank you for the Court’s time and consideration of this matter.

Respectfully submitted,

/s/ *Robert S. Roglieri*

Robert S. Roglieri

cc: John R. Morton, Jr., Esq. (via ECF & Regular Mail)
4841-5239-4119, v. 1